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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,997	10/22/2003	Katsumi Yokoo	VX032568	8992
21369	7590	03/08/2006	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DR. SUITE 101 RESTON, VA 20191			BLANKENSHIP, GREGORY A	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/689,997	YOKOO ET AL>	
	Examiner	Art Unit	
	Greg Blankenship	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 10 is/are allowed.
- 6) ☒ Claim(s) 5,6 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 7-9 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Colburn (5,845,940).

Colburn discloses a work vehicle that has a counterweight (18), a canopy, and an operator seat. The canopy is attached to the counterweight by left and right support members (20). The support members (20) support the roof. The left and right support members (20) are spaced wider than the operator seat and are positioned in lateral sides of the seat (16), as seen in Figures 1 and 9. The location of the supports (20) is at rear regions of the seat when the seat is in the down or operating position and in direct lateral regions when in the up position. In reference to claim 6, the engine is provided under the seat (16).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colburn (5,845,940) in view of JP 09-328781.

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Colburn discloses a work vehicle having a counterweight (18) with front left and right side portions that extend in the forward and lateral directions, as seen in Figure 1, from the lower portions of the counter weight (18). A canopy attachment base is provided on an upper section of the counterweight. This is the location where the canopy supports (20) are connected to the counterweight, as seen in Figures 1 and 5. In reference to claim 12, the rear outer surface of the counterweight is substantially arc shaped with a vertical axis positioned at the front side. In reference to claim 13, an opening is located in the rear surface of the counter weight, as seen in Figures 1 and 5. However, Colburn does not disclose a lower attachment base provided on the extended portions in connection to a frame.

JP 09-328781 teaches flanges connected to lower front portions of a counterweight (19) to provide a lower attachment base to a frame (4), as seen in Figures 2 and 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add flanges to the lower extended portions of Colburn and attach the counterweight to the frame, as taught by JP 09-328781, to provide a secure attachment between the counterweight and the frame.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination, as applied to claim 11.

Colburn does not disclose forming the counterweight by casting.

Official notice is being taken that casting is a well-known method of forming weights.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the counterweight of Colburn by a casting process as a method of manufacturing the counterweight that is relatively inexpensive.

Allowable Subject Matter

6. Claims 1-4 and 10 are allowed.
7. Claims 7-9 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments


8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gab
March 3, 2006


D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

3/6/06